

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BEBBER, W. Neal et al

Group Art Unit: 5495

RECEIVED

Serial No. 09/927,034

Examiner: BEFUMO, J.

FEB 04 2004

Filed 08/09/2001

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OFFICE OF PETITIONS

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CERTIFICATE OF MAILING 37 CFR 1.10: I certify that this correspondence is being deposited on the below date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL POST OFFICE TO ADDRESSEE addressed to: Mail Stop Petitions, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

Date: 01/30/2004

Debra A. Stengel
[X] Debra A. Stengel or [] Vernon C. Maine, Reg. No. 37,389

Commissioner:

PETITION TO REVIVE
(37 CFR 1.137(b) Unintentional)

Responding to discovery of unintentional abandonment of the above case for failure to reply within the required time period to Office Action dated 06 November 2002, petitioner/applicant herewith tenders the requisite reply and fees, and respectfully petitions the Commissioner to revive the application, and in support thereof recites the following:

Transmitted herewith is:

1 page Fee Transmittal Form PTO/SB/17

1 page Terminal Disclaimer to Accompany Petition – Assignee Warwick Mills, Inc.

1 page Statement-37CFR3-73(b) – Warwick Mills, Inc.

4 pages copies of assignment documents – Charles A. Howland to Warwick Mills, Inc.

1 page Petitioner's Power of Attorney to the undersigned – Warwick Mills, Inc.



1 page Terminal Disclaimer to Accompany Petition – Assignee Image Products Group, LLC.

1 page Statement-37CFR3-73(b) – Image Products Group, LLC.

19 pages copies of assignment documents –
Bebber and Williams to REXAM, Inc.
REXAM, Inc. to RXAM Image Products, Inc.
REXAM Image Products, Inc. to Image Products, Inc.

1 page Appointment of Associate Attorney for Image Products Group, LLC.

1 page Change of Correspondence Address form PTO/SB/122 is attached.

27 pages Response to Office Action dated 06 November 2002 (26 pages plus 1 page replacement drawing sheet).

Regarding the requirements of a 37 CFR 1.137(b) Petition to Revive:

1. The required reply is included in the attached 26 page Office Action Response with Amendments.
2. The Office is also hereby authorized to charge the 37 CFR 1.17(m)(2) petition fee of \$1330.00, the 37 CFR 1.17(a)(3) extension fee for response within third month, the 37 CFR 1.20(d) statutory disclaimer fee (2 disclaimers enclosed), and all other fees required for this submittal, to its PTO Deposit Account **500323**, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.
3. The petitioners state that the entire delay in filing the required reply and fees from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and requests their petition be thus considered. The petitioners state further as follows:

Co-petitioner Warwick Mills Inc., and co-petitioner Image Products Group LLC, are U.S.-based companies and co-owners by assignment in this case, along with and in two other related cases, parent application serial no. 09/371,474 filed 8/10/1999, of which this is a continuation

application, and a divisional of the parent application; serial no. 09/925,923, filed 8/9/2001, both also unintentionally abandoned with office actions pending, as was this case.

Original inventor/applicants in this case were W. Neal Bebbber, Charles A. Howland, and Gregory D. Williams. Warwick Mills Inc. is the successor in interest to Howland by assignment, as is duly recorded. Rexam Inc. was the successor in interest to Bebbber and Williams by assignment, as is duly recorded; making Warwick Mills Inc. and Rexam Inc. co-owners of the applications. Co-owner Rexam Inc. by mutual consent conducted the filings and prosecution of this and the related cases, the objective of all parties at the times of filing being to prosecute the applications to conclusion.

Rexam Inc. subsequently assigned its interest to Rexam Image Products Inc., who subsequently assigned its interest to Image Products Group LLC (IPG), who is the present successor in the case to Rexam Inc., as is duly recorded.

At all times relevant, co-owner Warwick Mills Inc. reasonably expected co-owner Rexam Inc./IPG to continue the prosecution of these cases to a conclusion. However, unexpectedly in early 2003 and unknown at the time to co-owner Warwick Mills Inc., co-owner Rexam Inc./IPG decided to cease prosecution of these applications and allow them to go abandoned. Subsequent inquiries to Rexam/IPG about the status of the cases resulted in notice received Aug. 7, 2003 by co-owner Warwick Mills, that the prosecution of all related cases had been abandoned.

Co-owner/petitioner Warwick Mills Inc., through the undersigned counsel did immediately with all due diligence since that date, pursue efforts to investigate the circumstances, review the extensive prosecution history of the three cases, and move to cure the non-compliance in the instant case, with the cooperation of successor co-owner/petitioner Image Products Group LLC. For efficiency and economy of effort and cost, petitioners have selected and are filing a response and petition to revive only this case. In accordance therewith, the accompanying office action response and this petition, with all required fees, is respectfully submitted for consideration.

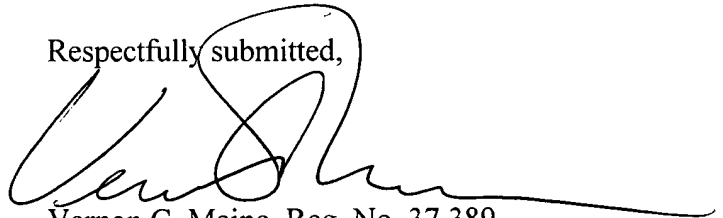
4. The petitioners disclaim and dedicate to the public a terminal part of the term of any patent granted hereon and on any continuing application claiming priority under 35 USC 120, 121, or 365(c) hereto, equivalent to the period of abandonment of this application.

It is further stated for the record that the undersigned attorneys are registered to practice before the United States Patent Office and are authorized agents for the Petitioners, whether filing in accordance with 37 CFR 1.34 or under assignments and powers of attorney attached or previously submitted.

Petitioners believe this petition and the attached materials to place this application in condition for revival or issuance, and respectfully request speedy consideration hereof. Please direct questions to the undersigned.

DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Vernon C. Maine', written over a horizontal line.

Vernon C. Maine, Reg. No. 37,389

Scott J. Asmus, Reg. No. 42,269

Neil F. Maloney, Reg. No. 42,833

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